

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT B. STOWE, et al.,
Plaintiffs,

v.

LSF9 MASTER PARTICIPATION
TRUST, et al.,
Defendants.

Case No. 16-cv-0436-PJH

ORDER OF DISMISSAL

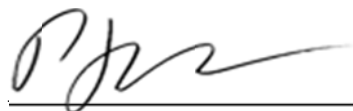
On February 10, 2016, Magistrate Judge James issued a report and recommendation finding that plaintiffs' complaint failed to state a claim and recommending that it be dismissed with leave to amend. See Dkt. 5. On March 7, 2016, Judge Orrick adopted the report and recommendation, dismissed the complaint, and gave plaintiffs 30 days (i.e., until April 6, 2016) to file an amended complaint.

The April 6, 2016 deadline has now long passed, and plaintiffs have not filed an amended complaint. The court having considered the five factors set forth in Malone v. United States Postal Service, 833 F.2d 128, 130 (9th Cir. 1987), and having determined that, notwithstanding the public policy favoring the disposition of actions on their merits, the court's need to manage its docket and the public interest in the expeditious resolution of the litigation require dismissal of this action. In view of plaintiffs' lack of response to this court's prior orders, the court finds there is no appropriate less drastic sanction. Accordingly, in light of plaintiffs' failure to file an amended complaint in accordance with the court's order, the case is DISMISSED pursuant to Federal Rule of Civil Procedure

1 41(b).

2 **IT IS SO ORDERED.**

3 Dated: May 16, 2016

A handwritten signature in black ink, appearing to read 'Phyllis J. Hamilton', is written over a horizontal line.

PHYLLIS J. HAMILTON
United States District Judge